IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Application No. 650 of 2006

Ravi Kumar Ahuja
S/o Shri Ram Swaroop Ahuja
R/o 6 Luniya Mohalla
Police Station Kotwali, Dehradun
District Dehradun ... Applicant

Vs

1. State of Uttaranchal
2. Laxman Das Virmani
   S/o Late Shri Hiranand Virmani
   R/o Prince Hotel 1, Haridwar Road, Dehradun
   District Dehradun ... Respondent

Sri Ramji Srivastava, learned counsel for the petitioner
Learned A.G.A. for the State

Hon'ble B.C. Kandpal, J.

By way of this petition under Section 482 Cr.P.C, the applicant is facing the trial before the court below under Section 138 Negotiable Instruments Act has challenged the order dated 29.05.2006 contained as Annexure 7 to the petition passed by C.J.M., Dehradun. The petitioner has also sought the relief for quashing the proceedings of the Criminal Case No. 2030 of 2004 Laxman Das Virmani Vs Ravi Kumar Ahuja pending in the court of C.J.M., Dehradun.

2. Heard Sri Ramji Srivastava, learned counsel for the petitioner, learned A.G.A. and perused the record.

3. The record reveals that the case has been languishing before the trial court for the last two years. The statement of the accused was recorded under Section 313 Cr.P.C. long back and thereafter the matter is languishing for the defence evidence. The petitioner moved an application

before the court below for summoning certain witnesses in his defence.

4. The trial court although directed that the Dasti summon be issued to the petitioner for the defence witnesses. The trial court on the next date observed that although defence witnesses were served but they were not present before the court for their deposition and after the perusal of the file, it came to the conclusion that the witnesses are not directly concerned or involved with the transaction, therefore, they have got no relevance in this case. The trial court, hence, observed that there was no need to produce those witnesses in the defence. The trial court accordingly fixed the case for arguments.

5. Learned counsel for the petitioner, submitted before me that once, the trial court has directed that Dasti summon be issued to the petitioner for service on the defence witnesses, thereafter it could not have recalled that order and passed the impugned order dated 29.05.2006.

6. I fail to appreciate the arguments advanced by learned counsel for the petitioner, the impugned order cannot be said to be an order passed by way of the reviewing the earlier order.

7. The impugned order passed by the trial court appears to be justified that the witnesses have got no relevance with the case, therefore, their production as defence witness in the case is not necessary.

8. It is for the satisfaction of the trial court to pass an order, which the trial court deems fit and appropriate in the ends of justice.

9. It appears to me also that the petitioner is unnecessarily trying to linger on the proceedings of this case by moving the baseless application. I find myself in full agreement with the approach adopted by the trial court.

10. The petition lacks merit and is liable to be dismissed.

11. Accordingly, the petition is dismissed. However, the trial court is directed to dispose of the matter in accordance with law as early as possible.

(B.C. Kandpal, J.)

08.08.2006
ASWAL